

REPORT SUMMARY

REFERENCE NO: - 22/503914/FULL		
APPLICATION PROPOSAL: Erection of a two storey manager's house and a double car barn (resubmission of 21/506544/FULL).		
ADDRESS: Staplehurst Transits Staplehurst Road Marden Kent TN12 9BT		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<p>The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic garden, associated access infrastructure and domestic paraphernalia in this countryside location, would have a detrimental urbanising impact on the existing character of the area consisting of an open rural landscape with a failure to contribute positively to the conservation and enhancement of that landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017), policy NE3 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).</p> <p>The submitted proposal does not involve the expansion of an existing rural business and fails to demonstrate any functional or essential need for a new dwelling in the countryside including in relation to dwelling size, business need, availability of alternative accommodation, with more effective, full time methods of dealing with out of hours security and deliveries. The application also fails to demonstrate that the use is currently financially sound or that it has the clear prospect of remaining so. The proposal is contrary to policies DM34 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).</p> <p>The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017), Policy In2 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).</p> <p>The proposal is contrary to the development plan and planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As set out in the following report there are no material considerations present that would justify a departure from the development plan.</p>		
REASON FOR REFERRAL TO COMMITTEE: The application has been referred to committee at the request of Marden Parish Council, whose summarised comments are in section 4 below.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Mr Darren Goldup AGENT: DHA Planning
CASE OFFICER: William Fletcher	VALIDATION DATE: 10/08/22	DECISION DUE DATE: 02/12/22
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

The application site has an extensive planning history relating to activities on site but the most relevant is set out below.

95/1344 Erection of a 2 storey managers house and double garage. Alterations to the front elevation of the depot building and rearrangement of the parking area. Refused 15.11.1995 on the following grounds: *"... erection of a house and garaging in such a location would be a prominent and undesirable addition to sporadic development in the rural area. No justification for the dwelling has been put forward that would outweigh the need to protect the rural area from such harmful development'.*

APP/U2235/A/96/265789/P2 An appeal against the refusal of 95/1344 was dismissed. The Inspector found in a decision letter dated 6 January 1997 that:

- Issues relating to security and the arrival of deliveries outside of office hours did not amount to a functional need for a new dwelling and justification for a new dwelling in the countryside contrary to established and emerging policies.
- The Inspector found the site of the dwelling *"...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape"* (paragraph 10 appeal decision letter).
- The appeal inspector found that *"...the prominence of the building would be given emphasis because of its size and general bulk... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality"* (paragraph 10 appeal decision letter). (The appeal decision letter is appended to this report)

21/506544/FULL Erection of a two storey manager's house and a double car barn. Refused 31.01.2022 on the following grounds:

- The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic land, associated access infrastructure and domestic paraphernalia, would have an urbanising and detrimental impact on the existing character of this area consisting of an open rural landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- The proposal for a new residential dwelling does not involve the expansion of an existing rural business, the building is not appropriate for this location and cannot be satisfactory integrated into the local landscape. The application fails to demonstrate, that the adjacent business use is currently financially sound or that it has the clear prospect of remaining so. With various other options available for accommodating 24-hour commercial operations and security, such as shift work, security guards and CCTV, the submitted proposal fails to demonstrate any overriding functional need for the new dwelling in this location or a need for the size of the proposed 4 bedroom dwelling. With reference to policy SP17 of the Maidstone Borough Local the proposal results in harm to the character and appearance of the countryside and there is no justification for the proposal provided in policies DM34 and DM37 of the Maidstone Borough Local Plan (2017) or the National Planning Policy Framework (2021).

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 For the purpose of the Maidstone Borough Local Plan 2017, the application site is located in the open countryside. The site has no special landscape designation.
- 1.02 The main part of the application site is a corner of an existing grassed field (not brownfield). The site is located to the north of Staplehurst Road.
- 1.03 The proposed house is set back circa 175 metres from the Staplehurst Road carriageway with the intervening land including the Staplehurst Transits premises, the Staplehurst Transits yard and a large pond. There is a fish farm to the east and to the north of the site (including a residential property) and to the west are agricultural fields.
- 1.04 Staplehurst Transits is a storage and distribution use that operates from a "*purpose built distribution centre*". The site is laid out with the main distribution centre building and office accommodation at the front of the site behind a car parking area for staff and visitors.
- 1.05 Warehousing is located at the rear of the site with the loading bays and a turning area along the eastern site boundary. The existing on site separation between HGVs on the eastern side of the site and staff or visitor vehicles at the front of the site is highlighted.
- 1.06 The applicant advises "*With our own modern fleet of temperature controlled vehicles, we can offer a six night a week service delivering to the UK wholesale markets, retailers, packers and processors throughout the UK. With only Hull & Scotland services not operated on a Friday night*". (applicant's website).

Image 1: Aerial image of Staplehurst Transits and application site location



2. PROPOSAL

- 2.01 Planning permission is sought for the erection of a two storey 4-bedroom manager's house and a double car barn with access track.

- 2.02 The house has a footprint of 14 metres by 8.5 metres and a roof ridge height of 8 metres. The house would be constructed with mainly bricks and weatherboarding with a clay tile roof.
- 2.03 The house over 2 floors would provide a total floor space of 184 square metres. The accommodation would consist of a living, study, snug, open kitchen, dining, and utility room on the ground level, and 4 bedrooms on the first floor with two of these bedrooms ensuite.
- 2.04 The proposed double car barn would sit perpendicular to the front of the dwelling with a footprint of 49 square metres. The double car barn has a barn hipped roof with a ridge height of some 6 metres and would be constructed with the same materials as the main dwelling.
- 2.05 The access to the proposed 4 bedroom family dwelling from Staplehurst Road would initially be across the live loading bays and a turning area of the existing HGV distribution centre (Staplehurst Transits).
- 2.06 After crossing the loading bays, the proposal involves the removal of a tree as part of the creation of an approximately 100m long access track to the site of the proposed dwelling in a grassed field.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Adopted October 2017, Policies

SS1: Maidstone Borough Spatial Strategy

SP17: Countryside

DM1: Principles of Good Design

DM8: External Lighting

DM23: Parking Standards

DM30: Design Principles in the countryside

DM33: Change of use of agricultural land to domestic garden land

DM34: Accommodation for agricultural and forestry workers

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

SS1 - Maidstone Borough Spatial Strategy

SP9 – Development in the Countryside

SP10 – Housing

SP11 – Economic Development

SP15 – Principles of Good Design

ENV 2 - Change of use of Agricultural Land to Domestic Garden Land

CD4 - Accommodation for Rural Workers

Marden Neighbourhood Plan: Policies BE3, NE3, NE4 and NE5

The National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Landscape Character Assessment: Staplehurst Low Weald landscape character in good condition with high sensitivity and guidelines to conserve.

4. LOCAL REPRESENTATIONS

Two representations have been received both in support of the development.

- In terms of the issues raised, these restate the applicants case for the development i.e., the need for a 24 hour presence on site and that the development would not be harmful to the amenity of neighbouring occupants.

Marden Parish Council (Summarised)

4.1 Support for the reasons below. If officers are minded to refuse the parish council request that the case is reported to committee

- Although a departure from the Marden Neighbourhood Plan, the parish council "...felt that, in principle, they support the application". (Officer comment: planning decisions are required to be in line with the development plan (which includes the neighbourhood plan) unless material considerations indicate otherwise, no material considerations have been identified that would justify a departure from the development plan)
- Although "...a new development in the open countryside (contrary to MBC Local Plan Policy SP17)" the proposal was considered "...compatible with Marden Neighbourhood Plan Policies BE1 and E1". (Officer comment: as above)
- "Cllrs would also want it conditioned that it was tied to the business and not to be sold on the open market separately". (Officer comment: this type of condition is difficult to enforce as there is no external change that would identify a condition breach and therefore it is questionable as to whether a condition would meet the enforceability test)
- Following the submission of further details on this application Cllrs feel that the applicant has given due regard to Marden Neighbourhood Plan Policies BE3, NE3, NE4 and NE5 by demonstrating the submission of the landscaping plan and accompanying documents. (Officer comment: A landscaping condition is not suggested in this case as it would not resolve the identified issues (this view was also taken by the appeal inspector). In addition, 'relevant' adopted policies do not advocate attempting to hide inappropriate development in the countryside behind landscaping)
- The case officer's concern about the new dwelling can be satisfied by the means of the suggested condition. (Officer comment: It has been found that conditions would not remove the negative impact of the proposal)
- Following receipt of the resubmitted landscape plans the application met policies BE3, NE3, NE4 and NE5 of the Marden Neighbourhood Plan. (Officer comment: as above)
- The application is supported as, on balance, the positive contribution to the ongoing business would continue to be able to operate (Officer comment: The arguments put forward as part of the current application regarding business need were considered by the appeal inspector in 1997 and were discounted. No new meaningful evidence has been submitted with the current application)
- Cllrs believe that the second point of MBCs refusal is counter intuitive as they believe it would reduce the amount of travel the occupant would need to undertake each day. (Officer comment: The short journey to work for the operations director is acknowledged, however development is directed to

sustainable locations in the borough due to the range of services and facilities that are available. The trip generation relating to the occupiers of this 4 bedroom family house would be for a range of reasons including education, leisure etc in addition to the employment of one family member)

- Cllrs felt this was one of the best examples of sustainability in the open countryside as the occupant would already be on site therefore reducing the need for car usage and it would also assist with security on site. (Officer comment: Sustainability – response as above. In relation to security, the proposed house is on a green field located 80 metres from the warehouse building and on the other side of a large pond. The staff presence (unlike a security guard or even regular security patrols) on site out of hours will be on an ad hoc part time basis and on that basis, the benefit will be minimal and not sufficient to counter the harm caused)
- Cllrs understand that further financial information has been made available to MBC. (Officer comment: No financial or viability information has been submitted)

5. CONSULTATIONS

KCC Highways

- 5.01 No objections subject to a condition requiring an electric vehicle charge point.

6. APPRAISAL

The key issues are:

- Site Location
- Visual and Landscape Impact
- Design and layout
- Change of use of agricultural land
- Residential Amenity
- Biodiversity
- Highways

- 6.01 The application site is in the countryside and the starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other Local Plan policies

SP17 a) Character and appearance.

- 6.02 Supporting text to policy SP17 advises “*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake*”.
- 6.03 The site is in the Staplehurst Low Weald landscape character area which is found to be in good condition with high sensitivity and guidelines to conserve.
- 6.04 The aims of the Maidstone Landscape Character Assessment (2013) are to ensure that changes take place in a way that maintains local landscape character and that new development is sensitive to local landscape character. The recommendations for the application site land include:
- Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted.
 - Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries.

- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
 - Resist further linear development and intrusive elements along the A229
 - Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments
 - Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas.
- 6.05 The current undeveloped application site is in the corner of an existing grassed field with long range views of the site from the north and west. The removal of a willow tree and other landscape works to facilitate the site access would increase visibility of the proposed house.
- 6.06 The introduction of a house in this countryside location of a significant size with the associated garden, lighting, activity and domestic paraphernalia will cause harm to the visual amenity of the area and will fail to meet the recommendations of the landscape character assessment.
- 6.07 It is the applicant's position that screening of the proposed house is required. The applicant also suggests that the situation has materially changed since the appeal decision as landscaping has matured in the intervening period. Policy SP17 seeks to protect the intrinsic character of the countryside and therefore the policy does not advocate permitting inappropriate development in the countryside on the basis that it is screened.
- 6.08 The appeal inspector in assessing the appeal did not consider that any landscaping would remove the negative impact of the proposal. Had the inspector considered that extra landscaping was the solution, the inspector had the option of seeking this landscaping at that time through the use of a planning condition.
- 6.09 As set out in the planning history section above, the Inspector found the site of the dwelling *"...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape"* (paragraph 10 appeal decision letter).
- 6.10 The appeal inspector found that *"...the prominence of the building would be given emphasis because of its size and general bulk.... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality"* (paragraph 10 appeal decision letter).
- 6.11 The current proposal would fail to conserve the largely undeveloped rural landscape, fail to conserve and enhance the small scale field pattern. The proposal will fail to soften the visual prominence of the large existing commercial buildings of Staplehurst Transits and will increase intrusive elements along the A229 (Staplehurst Road). The erection of a domestic dwelling would urbanise this landscape, causing unacceptable visual impact to the intrinsic character and appearance of the countryside.
- 6.12 The proposal is found to be contrary to the Marden Neighbourhood Plan including policy NE3 which states *"All proposed developments should be designed to integrate into their surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape" (officer emphasis).*

- 6.13 The proposal is found to be contrary to the aims of the neighbourhood plan, with the plan stating it has *"...enthusiastically embraced the aims of the NPPF to conserve and enhance the natural environment by...recognising the intrinsic character and beauty of the countryside"* (Page 9) (officer emphasis).
- 6.14 In addition, the neighbourhood plan states, *"Marden's countryside is important" in that "...it contributes to the overall wellbeing of the parish. The Marden Neighbourhood Plan recognises the need for development, but this cannot be at the expense of Marden's unique setting and sense of place"* (Page 12). The plan considers it *"...essential to conserve and enhance the natural environment and the landscape of the parish"* (Page 13).

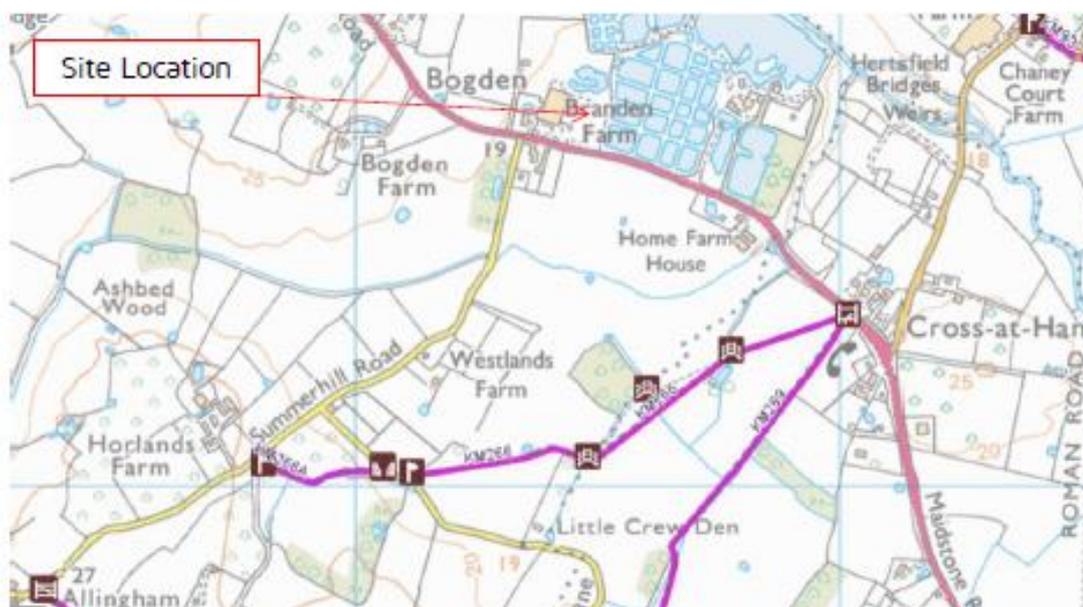
SP17 b) Accordance with other Local Plan policies

- 6.15 Other relevant Local Plan policies are SS1 (Spatial Strategy), DM1 (Principles of good design), DM30 (Design principles in the countryside), DM33 (Change of use of agricultural land to domestic garden land) and DM34 (Accommodation for agricultural and forestry workers).

SS1 (Spatial Strategy)

- 6.16 Policy SS1 policy advises that as the most sustainable location in the borough Maidstone urban area will be the principal focus for development in the borough.
- 6.17 In maintaining and enhancing their role and the provision of services to meet the needs of the local community, the rural service centres (Harrietsham, Headcorn, Lenham, Marden and Staplehurst) will be the secondary focus for housing development.
- 6.18 The larger villages of Boughton Monchelsea, Coxheath, Eythorne Street (Hollingbourne), Sutton Valence and Yalding will be locations for limited housing development. In other locations such as the application site, policy SS1 advises that protection will be given to the rural character of the borough.

Application site and footpath KM266



- 6.19 The application site is located in the countryside outside any of the three sustainable locations set out in the adopted Local Plan. The site is approximately 3km from the Rural Service Centre of Staplehurst and 4.2km from the Rural Service Centre of Marden.
- 6.20 This section of Staplehurst Road has no pavements and streetlamps and the nearest bus stop is 800m away. For these reasons, future occupiers of the proposed dwelling would rely on private vehicles for their daily needs. The application site is in an unsustainable location and has been found to cause harm to the intrinsic rural character of this area.
- 6.21 Generally public footpaths in the countryside provide limited benefit to sustainable travel as they are unlit and due to obstacles such as stiles in many cases, are not accessible by vulnerable sections of the population. In many cases routes are not accessible in poor weather and the footpaths rarely cover a complete route to services or facilities. As set out at paragraph 6.2.34 of the applicant's planning statement "There are...no public footpaths within the vicinity of the site...".
- 6.22 Whilst not in the vicinity of the site, the applicant's 'transport technical note' highlights footpath KM266. As can be seen by the location plan above, due to its distance from the application site and route, the footpath does not increase the accessibility of the site in any meaningful way. The route to the footpath (and the bus stops) is along Staplehurst Road which is unlit, it does not have a pavement and carries a significant quantity of traffic (including HGV's) at national speed limit.

Staplehurst Road - east of the application site



- 6.23 The development is contrary to Marden Neighbourhood Plan Policy In2. The site is located in an unsustainable location with poor access to both non-motorised and public transport with no links to "...village facilities and public transport services via off-road and lightly trafficked routes".
- 6.24 In response to the comments from Marden Parish Council. In addition to employment, the occupiers of this large family dwelling (providing 4 double bedrooms) would require access to a range of 'village facilities' with private vehicle

trips for a range of other activities including relating to education, leisure and medical.

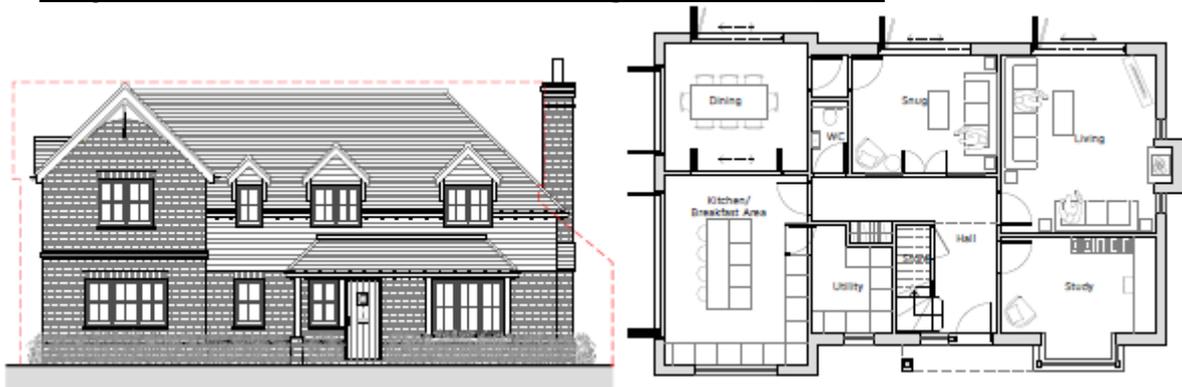
DM34 (Accommodation for agricultural and forestry workers).

- 6.25 Staplehurst Transits is a storage and distribution use that operates from a "*purpose built distribution centre*". The applicant advises "*With our own modern fleet of temperature controlled vehicles, we can offer a six night a week service delivering to the UK wholesale markets, retailers, packers and processors throughout the UK. With only Hull & Scotland services not operated on a Friday night*". (applicant's website).
- 6.26 The application does not involve accommodation for an agricultural or forestry worker. The supporting text to DM34 however advises "...residential development in the countryside may be justified when there is an essential need for a rural worker to live permanently at, or in the immediate vicinity of, their place of work" (report writer emphasis).
- 6.27 The supporting text to policy DM34 states that permitted accommodation for agricultural, or forestry should initially be provided by a caravan or other temporary accommodation for the first three years.
- 6.28 This temporary period is to ensure that the need for the accommodation and "*to prevent unnecessary built development in the countryside*". As set out in the policy, after three years an application for permanent permission is made when the need has been proven and need can be adequately assessed against landscape harm.
- 6.29 Contrary to policy DM34 the proposed accommodation involves a permanent 4 bedroom house. There has been no prior planning application for a temporary residential use. Notwithstanding these highlighted issues, the individual parts of policy DM34 are considered below.
- Clearly established existing functional need for the dwelling
- 6.30 In addition to the dismissed appeal for the current application site (outlined in the planning history section) a considerable number of appeals nationwide have considered functional need for a new dwelling in the countryside. These appeals have focused on whether a new house is the only solution to meet on site needs outside office hours, including unplanned events throughout the year including relating to animal welfare. The appeals demonstrate that the necessary functional need is a high bar to meet.
- 6.31 The applicant has stated that the new 4 bedroom house is necessary to allow this storage and distribution use to provide a 24 hour service.
- 6.32 The applicant advises that the proposed house is required to compete with other operators with a specific reference to Fowler Welch. Fowler Welch currently has vacancies for several full time night-time positions with these roles located within industrial estates with no indication of any on site supporting residential use. In addition, there are a number of existing 24 hour uses in the borough that currently operate effectivity without any need for on-site residential accommodation.
- 6.33 In the submitted planning statement, the applicant discusses a number of alternatives to the proposed 4 bedroom house. The applicant discounts CCTV as there is a requirement for 'interactive assistance' (para 5.3.2) and a security guard is discounted due to a "need for trained workers to attend to delivery needs" (para 5.3.2).

- 6.34 The proposed house is located at the closest point circa 80 metres away from the warehouse building with a large pond and screening trees separating the buildings. The applicant has confirmed that staff presence on site out of hours would (unlike a security guard) be on an ad hoc basis with the staff member only required infrequently when unloading/loading is required. The staff member would be on call and would not provide permanent security when no deliveries are expected.
- 6.35 The applicant states "*Shift work would present a significant additional cost to the business through the cost of training and employing night-shift workers*" (para 5.3.3). There has been no financial information submitted relating to the cost of constructing the new house. There has also been no indication provided of the cost of the overtime payments for the future occupier of the house. A full time out of hours presence on site can be covered by shift work and as similar to other out of hours uses. An ad hoc part time presence can be covered by an on call staff member living locally.
- 6.36 It is concluded for the above reasons that there is no functional need has been demonstrated for a new house in this location.
- Need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part time requirement
- 6.37 The applicant has confirmed that the occupier of the house will not be employed in agriculture.
- 6.38 The applicant has confirmed that occupier of the new house will be paid overtime as and when out of hours deliveries occur. On this basis the requirement for a presence out of hours is not full time but on an ad hoc and part time basis.
- Unit and the agricultural or forestry activity have been
 - a) established for at least 3 years,
 - b) profitable for at least one of the 3 years,
 - c) are currently financially sound, and
 - d) have a clear prospect of remaining financially sound.
- 6.39 In terms of point a) above, the applicant's supporting statement notes that "*Staplehurst Transits was founded in 1973 and therefore clearly meets the above criteria*".
- 6.40 There has been no information submitted to demonstrate that the applicant meets points b) and c).
- 6.41 In terms of point d), there has been no information submitted other than a suggestion in the planning statement that the business is suffering from larger competitors such as Fowler Welch.
- The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned
- 6.42 Whilst no functional need for the proposed accommodation has been identified. The applicant has stated that there are no other buildings on the site suitable to provide a new dwelling. The staff presence on site is only required outside of normal office hours on an ad hoc, part time basis.

- 6.43 The applicant has stated that the house would be occupied by an existing staff member. It is assumed that this staff member currently lives within a reasonable commuting distance of the site so to be on call (as the occupier of the new house would also be) is a reasonable proposition. It is also highlighted that it is car drive of 3 minutes from the range of housing available in the Staplehurst Rural Service Centre.
- The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain
- 6.44 The supporting text to DM34 advises that *"It is the needs of the holding, not the preferences of the individuals concerned which will determine whether a dwelling is essential or not"*.
- 6.45 The submitted proposal fails to meet the above requirement with the applicant's statement advising *"The cost of constructing the dwelling will be covered in its entirety by the future occupant (Operations Director) through the sale of their existing property and therefore will incur no extra cost to the business"* (paragraph 5.3.4).
- 6.46 In the event that a functional need had been established, the need for the proposed large 4 bedroom house is unlikely to be proportionate. It is also highlighted that DM34 recommends the initial provision of a temporary building to ensure that the negative impact can be considered against any functional need and impact.

Proposed house - front elevation and ground floor plan



DM37 (Expansion of existing businesses in rural areas).

- 6.47 The applicant considers DM37 relevant *"...in the context of the needs of the business and the benefits the proposals will deliver"* (paragraph 6.2.26 planning statement).
- 6.48 Officers do not consider that DM37 is relevant. A new house in the countryside is not a business expansion. Notwithstanding this conclusion, where possible an assessment against policy DM37 is provided below.
- New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape
- 6.49 The proposed building does not provide commercial floorspace. The large 4 bedroom house located in an existing field also cannot reasonably be described as

modest. It is concluded that the house due to its size, location and associated domestic paraphernalia will have a damaging impact on local landscape character.

6.50 The appeal inspector in dismissing the earlier appeal for a house in this location (outlined in the planning history) found "*...the prominence of the building would be given emphasis because of its size and general bulk.... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality*" (paragraph 10 appeal decision letter).

- The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.

6.51 With reference to paragraph 111 of the National Planning Policy Framework the impact on the local highway network will not be 'severe' and as a result there are no grounds to refuse permission on highway grounds.

- The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.

6.52 There are no residential neighbour amenity issues. Further assessment is provided below.

- No open storage of materials will be permitted unless adequately screened from public view throughout the year.

6.53 Open storage is not normally associated with a residential property and the applicant has confirmed that there is no open storage proposed.

DM1 (Principles of good design) and DM30 (Design principles in the countryside)

6.54 The sole access to the proposed 4 bedroom family dwelling is through a working distribution centre yard used by a fleet of Heavy Goods Vehicles and this layout fails to provide 'high quality design'. The proposal is contrary to DM1 (i) that seeks layouts that are "*...accessible to all and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services*" and DM1 (x) as the layout fails to create a safe environment.

6.55 The proposed large 4 bedroom dwelling, sited in an existing open grassed field set back some distance from the road, fails to respond to, or enhance the character of the area and fails to response to local topography contrary to DM1 (ii) and DM (v).

6.56 The proposal is contrary to contrary to DM30 (i) and (iv) as the siting, mass and scale of the house fails to maintain or enhance local distinctiveness and the building will be obtrusive. The house due to its size, location and associated domestic paraphernalia will have a damaging impact on local landscape character.

DM33 (Change of use of agricultural land to domestic garden land)

6.57 Policy DM 33 states "*Change of use of agricultural land to domestic garden land Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land*".

- 6.58 The proposal is contrary to policy DM33 as there would be harm to the character and appearance of the countryside.
- 6.59 In addition, the proposal would lead to the loss of the best and most versatile agricultural land (best and most versatile agricultural land is defined as Grades 1, 2 and 3a and the application site is Grade 3).

Residential amenity

- 6.60 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.61 In terms of orientation and separation distances the proposed house will not have a harmful impact on residential amenity of neighbours.
- 6.62 As outlined earlier in this report, the access to the proposed 4 bedroom family house across a live storage and distribution yard with manoeuvring HGVs. The access to the dwelling is contrary to DM1 (iv) in that the occupiers will be exposed to excessive vehicular movements, contrary to DM1 (ix) in that the proposal does not safely accommodate the pedestrian (and vehicular) movement generated by the proposal. With reference to DM1 (x) and security as mentioned earlier in this report, unlike shift work, CCTV and/or a security guard, the provision of a house will result in a part time, ad hoc out of hours staff presence on the site.

Highways, parking and access

- 6.63 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, encouraging good access routes. Policy DM23 encourages provision of electric charging points.
- 6.64 With staff and visitor parking currently separated from the distribution yard, the proposal will introduce domestic vehicle and pedestrian movement across the distribution yard with potential conflict with HGVs and other commercial traffic.
- 6.65 The provision of a double car barn and hardstanding to the front of the dwelling provide a minimum of 4 parking spaces. This provision is in excess of the 2 independently accessible spaces required by policy.
- 6.66 A transport technical note has been prepared in support of the application which concludes the proposal would not result in significant impact to highway safety. There are no identified issues in relation to the safety of the access on to Staplehurst Road or the capacity of the road network.

Trees and landscaping and biodiversity

- 6.67 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site.
- 6.68 The NPPF (para 174) states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and (para 180) opportunities to improve biodiversity in and around developments should be integrated as part of their design.

- 6.69 A biodiversity survey has been submitted in support of the application, it states that the site does not consist of protected species and far from any ecologically protected area. In the event that there were no other identified issues, mitigation for the loss of this grassed field and ecological enhancement and demonstrating a net gain would be possible through a planning condition.

PUBLIC SECTOR EQUALITY DUTY

- 6.70 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal is contrary to Policy SP17 as the proposal will both result in harm to the character and appearance of the countryside and fails to accord with other Local Plan policies.
- 7.02 The proposal will result in substantial harm to the character and appearance of the countryside in the Low Weald landscape character area which is found to be in good condition with high sensitivity and guidelines to conserve. The introduction of a house in this countryside location of a significant size with the associated garden, lighting, activity and domestic paraphernalia will fail to meet the recommendations of the landscape character assessment.
- 7.03 SP17 describes the countryside as having "*...an intrinsic character and beauty that should be conserved and protected for its own sake*" and in this context the policy does not advocate permitting inappropriate development on the basis that it is screened. In addition, the appeal inspector in assessing the earlier appeal did not consider that landscaping would remove the negative impact of the proposal finding the site on "*...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape*" (paragraph 10 appeal decision letter)
- 7.04 The application site is located in the countryside outside any of the sustainable locations set out in the adopted Local Plan. Pedestrian access from the site to Staplehurst and the access to bus stops is along unlit roads, without pavements and on the A229 which is subject to the national speed limit. With these factors and the distance involved, future occupiers of the 4 bedroom family dwelling will be reliant on the private motor vehicle for their daily needs.
- 7.05 Policy DM34 states that accommodation should initially be provided by a caravan or other temporary accommodation for the first three years to *prevent unnecessary built development in the countryside*. The applicant has chosen not to follow the approach.
- 7.06 The applicant has not demonstrated any essential or functional need for a house in this location has failed to demonstrate that there is a need for a 24 hour use to be supported by large 4 bedroom house. Other similar uses also operate adequately without the need for a new dwelling.
- 7.07 The role for which the applicant has suggested there is a need for the house is ad hoc, part time out of hours work which is required on an infrequent basis (DM34 requires the work to be full time). Whilst the location is unsustainable, the site is not isolated with Staplehurst a 3 minute drive from the site.

- 7.08 Whilst the applicant advises that the 24 hour use is required for the ongoing viability of the business, the submitted application does not include any financial information about existing or future viability (as required by DM34). Whilst DM34 also requires a new house to relate to the needs of the business, in this case the applicant has confirmed that the construction finance is entirely separate from the business and the new house is entirely funded by the operations director selling their existing home.
- 7.09 With the access to the proposed 4 bedroom family house across a live storage and distribution yard with manoeuvring HGVs, the proposal is contrary to DM1 (iv) in that the occupiers will be exposed to excessive vehicular movements, contrary to DM1 (ix) in that the proposal does not safely accommodate the pedestrian (and vehicular) movement generated by the proposal.
- 7.10 The proposal is contrary to the development plan and planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As set out in this report there are no material considerations present that would justify a departure from the development plan. The proposed additional capacity that the applicant requires is not proportionate to the provision of a 4 bedroom house in an unsustainable location with the resulting landscape harm. With the option of requiring additional landscaping available to him, the arguments put forward have been previously considered by an appeal inspector and were found to be inadequate material considerations to depart from the Maidstone Local Plan.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic garden, associated access infrastructure and domestic paraphernalia in this countryside location, would have a detrimental urbanising impact on the existing character of the area consisting of an open rural landscape with a failure to contribute positively to the conservation and enhancement of that landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017), policy NE3 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).
- 2) The submitted proposal does not involve the expansion of an existing rural business and fails to demonstrate any functional or essential need for a new dwelling in the countryside including in relation to dwelling size, business need, availability of alternative accommodation, with more effective, full time methods of dealing with out of hours security and deliveries. The application also fails to demonstrate that the use is currently financially sound or that it has the clear prospect of remaining so. The proposal is contrary to policies DM34 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 3) The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017), Policy In2 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).

Informative

The following plans and documents were considered in the assessment of the submitted application:

Planning Statement (including Design and Access Statement)

Transport Technical Note

Arboricultural Impact Assessment

DHA/14978/01: Site Location Plan

DHA/14978/02: Existing Site Layout Plan

DHA/14978/03: Proposed Site Layout Plan

DHA/14978/04: Proposed Plans

DHA/14978/05: Proposed Elevations

DHA/14978/06: Proposed Car Barn Proposed Plans

DHA/16056/07 Proposed Landscaping/Ecology plan